APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,625	08/11/2003	Jonathan Hui	03630.000203.1	2096

5514   7590   06/20/2011
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EXAMINER
BANTAMOI, ANTHONY

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
06/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09/14/2011</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5,7-11,13-17,22,24,25,30,32 and 33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5,7-11,13-17,22,24,25,30,32 and 33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/14/2010 has been entered.

Response to Arguments

2.   Applicant's arguments filed 09/14/2010 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3.   Claims 24, 25, 32, 33, are objected to because of the following informalities: claims 24 and 25 depend on cancelled claim 23 while claims 32 and 33 depend on cancelled claim 31. Through out this Office Action claims 24 and 25 will depend from claim 22 while claims 32 and 33 depend from claim 30. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-5, 7-11, 13-17, 22, 24-25, 30, 32-33 are rejected under 35 U.S.C.

103(a) as being unpatentable over US Patent 5,774,666 to Portuesi (Portuesi), in view

of US Patent 6,604,242 to Weinstein et al. (Weinstein).

        Regarding claim 1, Portuesi teaches elements stored in a non-transitory

computer-readable memory (figure 1, label 6; col . 4, ll. 19-21) wherein the

elements <u>are</u> structured for use by a computer to display (figure 1, label 12;

because 10 is in a computer see col. 4, ll. 34-36) a multimedia presentation

(video files) and <u>a</u> visual cue (url's) on a display of the computer (figure 1, label

12), wherein the elements comprise at least: a multimedia presentation element

(video); and a visual cue element (url) which is nested within the multimedia

presentation <u>element</u> (url's are embedded (nested) in video files see figures 2-3;

col. 4, ll. 21-23); <u>wherein the multimedia presentation element includes access</u>

<u>information for the multimedia presentation</u> (col. 1, ll. 34-40; col. 4, ll. 46-54

(video files include temporal information)); <u>and wherein the visual cue element,</u>

<u>which is nested within the multimedia presentation element, includes</u> (figures 2-3;

col. 4, ll. 21-23): a visual attribute that defines a visual representation of the

visual cue (figure 4, 40 (see circular shape of hot spot)); a spatial attribute that

defines, <u>in spatial relation to a spatial position of the multimedia presentation on</u>

<u>the display</u>, spatial characteristics of the visual cue (col. 5, ll. 20-28, 34-36); and

a temporal attribute that defines, <u>in temporal relation to a temporal progression of</u>

<u>the multimedia presentation on the display</u> (col. 3, ll. 29-34; col. 6, ll. 43-45),

temporal characteristics of the visual cue, wherein the computer <u>uses the</u>

multimedia presentation element and the nested visual cue element (figures 2-3;

col. 4, ll. 21-23) to access the multimedia presentation and to synchronously

display on the display the visual representation of the visual cue on over the

multimedia presentation (figure 4, label 40; figure 3, labels 31, 32; col. 4, ll. 24-

28), during a period of time which is based on the temporal characteristics of the

visual cue as defined in the temporal attribute and on the temporal progression of

the multimedia presentation (col. 4, ll. 49-67; col. 5, ll. 1-16; col. 3, ll. 2-34; col. 6,

ll. 43-45), and at a location which is based on the spatial characteristics of the

visual cue as defined in the spatial (col. 5, ll. 20-28, 34-36) and on the spatial

position of the multimedia presentation (col. 1, ll. 34-40; col. 4, ll. 49-53; col. 5,

20-28).

But Portuesi is silent on displaying multimedia presentation and a visual

cue using XML-based elements.

Weinstein teaches combining television broadcast and personalized

/interactive information (title) wherein XML can be used to synchronize the links

or hyperlinks (personalized/interactive information with the television broadcast

(Abstract; col. 1, ll. 52-64) which meets "displaying multimedia presentation and a

visual cue using XML-based elements".

Therefore it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the media player application of

Portuesi to include displaying multimedia presentation and a visual cue using

XML-based elements as taught by Weinstein in order to support multiple data formats from mapping readily existing data structures.

Regarding claim 2, Portuesi in view of Weinstein teaches everything in claim 1, in addition Portuesi teaches wherein the temporal characteristics include at least one of begin time, end time, and duration (col. 5, ll. 38-40).

Regarding claim 3, Portuesi in view of Weinstein teaches everything in claim 1, in addition Portuesi teaches wherein the visual representation includes color (col. 6, ll. 20 (highlighting renders color obvious)).

Regarding claim 4, Portuesi in view of Weinstein teaches everything in claim 1, in addition Portuesi teaches wherein the visual representation includes shape (figure 4, label 40 (circular)).

Regarding claim 5, Portuesi in view of Weinstein teaches everything in claim 1, in addition Portuesi teaches wherein the spatial characteristics include position (col. 5, ll. 24).

Regarding claim 7, Portuesi teaches a browser (figure 5, label 76) that displays a multimedia presentation <u>and a visual cue</u> on a display of a computer to a user (col. 9, ll. 29-38), a method for processing elements, <u>wherein the elements comprise</u>: <u>a multimedia presentation element (video); and a visual cue element (url) which is nested within the multimedia presentation element</u> (url's are embedded (nested) in video files see figures 2-3; col. 4, ll. 21-23); <u>wherein the multimedia presentation element includes access information for the multimedia presentation</u> (col. 1, ll. 34-40; col. 4, ll. 46-54 (video files include temporal

information)); and wherein the visual cue element, which is nested within the multimedia presentation element, includes (figures 2-3; col. 4, ll. 21-23): a visual attribute that defines a visual representation of the visual cue (figure 4, 40 (see circular shape of hot spot)); a spatial attribute that defines, in spatial relation to a spatial position of the multimedia presentation on the display, spatial characteristics of the visual cue (col. 5, ll. 20-28, 34-36); and a temporal attribute that defines, in temporal relation to a temporal progression of the multimedia presentation on the display (col. 3, ll. 29-34; col. 6, ll. 43-45), temporal characteristics of the visual cue (col. 5, ll. 20-28, 34-36), wherein the method comprises: receiving the elements including the multimedia presentation element and the nested visual cue element (figures 2-3; col. 4, ll. 21-23); and using the multimedia presentation element and the nested visual cue element to access the multimedia presentation and to synchronously display on the display the visual representation of the visual cue superimposed over the multimedia presentation (col. 5, ll. 12-16; figure 3, labels 31, 32), during a period of time which is based on the temporal characteristics of the visual cue as defined in the temporal attribute and on the temporal progression of the multimedia presentation (col. 1, ll. 29-34), and at a location which is based on the spatial characteristics of the visual cue as defined in the spatial attribute (col. 5, ll. 20-28, 34-36) and on the spatial position of the multimedia presentation (col. 1, ll. 34-40; col. 3, ll. 29-34; col. 4, ll. 49-53; col. 5, 20-28).

But Portuesi is silent on an XML-based browser for displaying multimedia presentation and a visual cue using XML-based elements.

Weinstein teaches combining television broadcast and personalized /interactive information (title) wherein XML can be used to synchronize the links or hyperlinks (personalized/interactive information with the television broadcast (Abstract; col. 1, ll. 52-64) which meets "an XML-based browser for displaying multimedia presentation and a visual cue using XML-based elements".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the browser of Portuesi to include an XML-based browser for displaying multimedia presentation and a visual cue using XML-based elements as taught by Weinstein in order to support multiple data formats from mapping readily existing data structures.

Regarding claim 8, Portuesi in view of Weinstein teaches everything in claim 7, in addition Portuesi teaches wherein the temporal characteristics include at least one of begin time, end time, and duration (col. 5, ll. 38-40).

Regarding claim 9, Portuesi in view of Weinstein teaches everything in claim 7, in addition Portuesi teaches wherein the visual representation includes color (col. 6, ll. 20 (highlighting renders color obvious)).

Regarding claim 10, Portuesi in view of Weinstein teaches everything in claim 7, in addition Portuesi teaches wherein the visual representation includes shape (figure 4, label 40 (circular)).

Regarding claim 11, Portuesi in view of Weinstein teaches everything in claim 7, in addition Portuesi teaches wherein the spatial characteristics include position (col. 5, ll. 24).

Regarding claim 13, Portuesi teaches a <u>non-transitory</u> computer-readable storage medium(figure 1, label 6; col . 4, ll. 19-21) storing computer executable process steps to display a multimedia presentation (video) <u>and a visual cue (url)</u> on a display of a computer to a user (figure 1, label 12; because 10 is in a computer see col. 4, ll. 34-36), and to process elements (video and url), wherein the elements comprise: a multimedia presentation element (video); and a visual cue element (url) which is nested within the multimedia presentation <u>element</u> (url's are embedded (nested) in video files see figures 2-3; col. 4, ll. 21-23); <u>wherein the multimedia presentation element includes access information for the multimedia presentation</u> (col. 1, ll. 34-40; col. 4, ll. 46-54 (video files include temporal information)); <u>and wherein the visual cue element (url), which is nested within the multimedia presentation element (</u>col. 4, ll. 21-23)<u>, includes</u>: <u>a visual attribute that defines a visual representation of the visual cue</u> (figure 4, 40 (see circular shape of hot spot)); <u>a spatial attribute that defines, in spatial relation to a spatial position of the multimedia presentation on the display, spatial characteristics of the visual cue</u> (col. 5, ll. 20-28, 34-36); <u>and a temporal attribute that defines, in temporal relation to a temporal progression of the multimedia presentation on the display</u> (col. 1, ll. 29-34), <u>temporal characteristics of the visual cue</u> (col. 5, ll. 20-28, 34-36), wherein the computer-executable process

steps cause the computer to execute process steps comprising: <u>receiving the elements including the multimedia presentation element</u> (video; figure 5; col. 9, ll. 21-38) <u>and the nested visual cue element</u> (url embedded in video file–see figure 2); <u>and using the multimedia presentation element and the nested visual cue element to access the multimedia presentation and to synchronously display on the display the visual representation of the visual cue superimposed over the multimedia presentation</u> (figure 1, labels 31,32), <u>during a period of time which is based on the temporal characteristics of the visual cue as defined in the temporal attribute</u> (col. 5, ll. 20-28, 34-36) <u>and on the temporal progression of the multimedia presentation</u> (col. 3, ll. 29-34), <u>and at a location which is based on the spatial characteristics of the visual cue as defined in the spatial attribute</u> (col. 5, ll. 24) <u>and on the spatial position of the multimedia presentation</u> (col. 1, ll. 34-40; col. 4, ll. 49-53; col. 5, 20-28).

But Portuesi is silent on displaying multimedia presentation and a visual cue using XML-based elements.

Weinstein teaches combining television broadcast and personalized /interactive information (title) wherein XML can be used to synchronize the links or hyperlinks (personalized/interactive information with the television broadcast (Abstract; col. 1, ll. 52-64) which meets "displaying multimedia presentation and a visual cue using XML-based elements".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the media player application of

Portuesi to include displaying multimedia presentation and a visual cue using XML-based elements as taught by Weinstein in order to support multiple data formats from mapping readily existing data structures.

Regarding claim 14, Portuesi in view of Weinstein teaches everything in claim 13, in addition Portuesi teaches wherein the temporal characteristics include at least one of begin time, end time, and duration (col. 5, ll. 38-40).

Regarding claim 15, Portuesi in view of Weinstein teaches everything in claim 13, in addition Portuesi teaches wherein the visual representation includes color (col. 6, ll. 20 (highlighting renders color obvious)).

Regarding claim 16, Portuesi in view of Weinstein teaches everything in claim 13, in addition Portuesi teaches wherein the visual representation includes shape (figure 4, label 40 (circular)).

Regarding claim 17, Portuesi in view of Weinstein teaches everything in claim 13, in addition Portuesi teaches wherein the spatial characteristics include position (col. 5, ll. 24).

Regarding claim 22, Portuesi teaches a method for displaying a multimedia presentation (figure 1, label 31) and a visual cue (figure 1, label 32) on a display of a computer (col. 9, ll. 29-38) executing a browser (figure 5, label 76) which processes elements (video and url), wherein the elements comprise: a multimedia presentation element (video); and a visual cue element (url) which is nested within the multimedia presentation element (url's are embedded (nested) in video files see figures 2-3; col. 4, ll. 21-23); wherein the multimedia

presentation element includes access information for the multimedia presentation (col. 1, ll. 34-40; col. 4, ll. 46-54 (video files include temporal information)); and wherein the visual cue element (url), which is nested within the multimedia presentation element (figures 2-3; col. 4, ll. 21-23), includes: a visual attribute that defines a visual representation of the visual cue (figure 4, 40 (see circular shape of hot spot)); a spatial attribute that defines, in spatial relation to a spatial position of the multimedia presentation on the display, spatial characteristics of the visual cue (col. 1, ll. 34-40; col. 5, ll. 20-28, 34-36); and a temporal attribute that defines, in temporal relation to a temporal progression of the multimedia presentation on the display (col. 5, ll. 20-28, 34-36; col. 1, ll. 34-40; col. 4, ll. 46-54), temporal characteristics of the visual cue (col. 5, ll. 20-28, 34-36), wherein the method comprises: receiving the elements including the multimedia presentation element and the nested visual cue element (figures 2-3; col. 4, ll. 21-23); and using the multimedia presentation element and the nested visual cue element (figures 2-3; col. 4, ll. 21-23) to access the multimedia presentation and to synchronously display on the display the visual representation of the visual cue superimposed over the multimedia presentation (col. 5, ll. 12-16; figure 3, labels 31, 32), during a period of time which is based on the temporal characteristics of the visual cue as defined in the temporal attribute and on the temporal progression of the multimedia presentation (col. 3, ll. 29-34), and at a location (col. 5, ll. 20-28, 34-36) which is based on the spatial characteristics of

the visual cue as defined in the spatial attribute and on the spatial position of the

multimedia presentation (col. 1, ll. 34-40; col. 4, ll. 49-53; col. 5, 20-28).

But Portuesi is silent on an XML-based browser for displaying multimedia

presentation and a visual cue using XML-based elements.

Weinstein teaches combining television broadcast and personalized

/interactive information (title) wherein XML can be used to synchronize the links

or hyperlinks (personalized/interactive information with the television broadcast

(Abstract; col. 1, ll. 52-64) which meets "an XML-based browser for displaying

multimedia presentation and a visual cue using XML-based elements".

Therefore it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the method of Portuesi to include an

XML-based browser for displaying multimedia presentation and a visual cue

using XML-based elements as taught by Weinstein in order to support multiple

data formats from mapping readily existing data structures.

Regarding claim 24, Portuesi in view of Weinstein teaches everything in

claim 22, in addition Portuesi teaches a method wherein the temporal

characteristics include at least one of begin time, end time, and duration (col. 5,

ll. 38-40).

Regarding claim 25, Portuesi in view of Weinstein teaches everything in

claim 22, in addition Portuesi teaches a method wherein the visual representation

includes at least one of a shape (figure 4, label 40 (circular)) and a color (col. 6,

ll. 20 (highlighting renders color obvious)).

Regarding claim 30, Portuesi teaches an apparatus comprising: a display

(12); a computer-readable storage medium (col. 4, ll. 19-21) for storing computer-

executable process steps that cause a multimedia presentation <u>and a visual cue</u>

to be displayed on the display (col. 9, ll. 29-38; figure 3, labels 31, 32), and for

storing data elements (col. 4, ll. 19-21(storing video files including embedded

url's); and a processor (figure 5, label 72) to execute the process steps stored in

the storage medium (figure 1, label 12); <u>wherein the elements comprise: a</u>

<u>multimedia presentation element</u> (video); <u>and a visual cue element</u> (url) <u>which is</u>

<u>nested within the multimedia presentation element</u> (figures 2-3; col. 4, ll. 21-23);

<u>wherein the multimedia presentation element includes access information for the</u>

<u>multimedia presentation</u> (col. 1, ll. 34-40; col. 4, ll. 46-54 (video files include

temporal information)); <u>and wherein the visual cue element</u> (url), <u>which is nested</u>

<u>within the multimedia presentation element</u> (figures 2-3; col. 4, ll. 21-23),

<u>includes: a visual attribute that defines a visual representation of the visual cue</u>

(figure 4, 40 (see circular shape of hot spot)); <u>a spatial attribute that defines, in</u>

<u>spatial relation to a spatial position of the multimedia presentation on the display,</u>

<u>spatial characteristics of the visual cue</u> (col. 1, ll. 31-40; col. 5, ll. 20-28, 34-36);

<u>and a temporal attribute that defines, in temporal relation to a temporal</u>

<u>progression of the multimedia presentation on the display, temporal</u>

<u>characteristics of the visual cue</u> (col. 5, ll. 20-28, 34-36), <u>and</u> wherein the process

steps comprise: <u>receiving the elements</u> (figure 5, label 66) <u>including the</u>

<u>multimedia presentation (video) element and the nested visual cue element</u>

(figures 2-3; col. 4, ll. 21-23); <u>and using the multimedia presentation element and
the nested visual cue element to access the multimedia presentation and to
synchronously display on the display the visual representation of the visual cue
superimposed over the multimedia presentation</u> (figure 3, labels 31, 32), <u>during a
period of time which is based on the temporal characteristics of the visual cue as
defined in the temporal attribute and on the temporal progression of the
multimedia presentation</u> (col. 3, ll. 29-34), <u>and at a location</u> (col. 5, ll. 20-28, 34-
36) <u>which is based on the spatial characteristics of the visual cue as defined in
the spatial attribute and on the spatial position of the multimedia presentation</u>
(col. 1, ll. 31-40; col. 4, ll. 49-53; col. 5, 20-28).

But Portuesi is silent on an XML-based browser for displaying multimedia
presentation and a visual cue using XML-based elements.

Weinstein teaches combining television broadcast and personalized
/interactive information (title) wherein XML can be used to synchronize the links
or hyperlinks (personalized/interactive information with the television broadcast
(Abstract; col. 1, ll. 52-64) which meets "an XML-based browser for displaying
multimedia presentation and a visual cue using XML-based elements".

Therefore it would have been obvious to one of ordinary skill in the art at
the time the invention was made to modify the apparatus of Portuesi to include
an XML-based browser for displaying multimedia presentation and a visual cue
using XML-based elements as taught by Weinstein in order to support multiple
data formats from mapping readily existing data structures.

Regarding claim 32, Portuesi in view of Weinstein teaches everything in claim 30, in addition Portuesi teaches a method wherein the temporal characteristics include at least one of begin time, end time, and duration (col. 5, ll. 38-40).

Regarding claim 33, Portuesi in view of Weinstein teaches everything in claim 30, in addition Portuesi teaches a method wherein the visual representation includes at least one of a shape (figure 4, label 40 (circular)) and a color (col. 6, ll. 20 (highlighting renders color obvious)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on 8am-5pm Monday-Friday (Off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)2727296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANTHONY BANTAMOI/
Examiner, Art Unit 2423

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423